IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3253 OF 2006

Devkumar Dhankoti Mudliyar Applicant
versus
The State of Maharashtra Respondent

Shri V.V.Purwant i/by R.D.Suryawanshi for applicant.

Shri P.A.Pol, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 27th September 2006

PC :

1. Heard Shri Purwant appearing for the applicant and shri Pol - learned APP for State.

2. The applicant is arrested on 30th April 2006 in connection with CR No.85 of 2006 which has been registered at Central Police Station, Ulhas Nagar. The offences alleged are punishable under sections 376 and 506 of IPC..

3. I have perused the application and the annexures thereto. I have also perused a copy of the letter which has been addressed on 29th April

2006 to the Senior Police Inspector of the concerned Police Station. That letter is addressed by the father of the prosecutrix.

4. The prosecutrix apparently was acquainted with the applicant-accused as she was working in the vicinity in a PCO owned by the applicant. She was also going there and making phone calls. It is in such circumstances that the version of the prosecutrix that the alleged act was committed becomes prima facie doubtful. The delay in lodging the FIR is also crucial aspect in the facts and circumstances of this case. The prosecutrix was pregnant and after three months of pregnancy, for the first time, the incident was narrated by her. Therefore, although the learned Sessions Judge has observed that her version at this stage needs to be accepted, on account of the prima facie inconsistencies therein so also the applicant agreeing to stay away from the place and further undertaking to report regularly till conclusion of the trial, the apprehension expressed by the learned Judge can be taken care of.

5. Hence, ends of justice would be met by following order.

6. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.85 of 2006 registered with Central Police Station, Ulhas Nagar subject to furnishing a personal bond of Rs.15,000/- (Rs.Fifteen thousand only) with one or two local sureties in the like sum;

(ii) The applicant shall stay away from the limits of Central Police Station, Ulhas Nagar till conclusion of trial;

(iii) The applicant shall furnish his residential address where he proposes to reside after bail and during pendency of trial, to the Investigating Authority before his release on bail, and shall not change his new residence without prior intimation to the Investigating Authority;

(iv) The applicant shall report to the nearest Police Station after his release where he proposes to reside, once in a week till conclusion of trial and thereafter as directed by Trial Court;

(v) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(vi) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(viii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)